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October 21, 2011

VIA E-MAIL

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 10-90; GN Docket No. 89-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109

Dear Ms. Dortch:

Gila River Telecommunications, Inc. (“GRTI”) is a telecommunications carrier that is wholly-owned and operated by the Gila River Indian Community. As such, GRTI has a strong interest in the effects of the ongoing proceeding at the Federal Communications Commission (“FCC” or “Commission”) to reform the Universal Service Fund (“USF”) and intercarrier compensation (“ICC”) rules. GRTI estimates that it would lose millions of dollars in USF and ICC revenues over the next four years if the Commission were to adopt any one of the three proposals put forward by the State Members of the Federal-State Universal Service Joint Board, the Joint Rural Associations, and the six price cap companies, respectively. This loss of revenues would cripple GRTI financially and would likely have a detrimental effect on telecommunications services and on broadband service in the Gila River Indian Community.

The Commission has the requisite statutory authority to adopt a carve-out to address the unique needs of tribal communities pursuant to Section 254(b) of the Communications Act of 1934, as amended. A carve-out also would be consistent with other policies the Commission has adopted to further its federal trust relationship with Indian tribes to encourage tribal sovereignty and promote access to communications services in these communities. Accordingly, the Commission should ensure that whatever rules it adopts will: (1) require any carrier seeking to provide communications services on tribal lands to receive approval from the appropriate tribal entity and (2) establish a tribal carve-out that would guarantee minimum USF revenues for incumbent wireline carriers serving tribal lands.

In recognition of tribal sovereignty, the Commission should make clear that any carrier seeking to receive federal funds to provide communications services on tribal lands must first receive approval from the appropriate tribal entity. Adopting such a requirement would promote

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tribal sovereignty by enabling Tribes to play an integral role in choosing the carrier that provides communications services in their communities. In addition, requiring tribal approval would likely improve the quality of communications services on tribal lands. Affording Tribes the ability to select the carrier that serves their communities will better ensure that selected carriers will demonstrate a commitment to providing quality communications services at affordable prices.

The Commission should also establish a tribal carve-out that would guarantee minimum USF revenues for incumbent wireline carriers serving tribal lands. This tribal carve-out would establish a floor of guaranteed minimum USF revenues equal to total study area¹ support at 2011 receipts levels.² The floor would remain in place until telephone and penetration rates on tribal lands attain parity with national averages.

If the Commission is not inclined to adopt such a floor as part of a tribal carve-out, the tribal carve-out should, at a minimum, (a) waive the interstate access charge that carriers serving tribal lands must pay under the National Exchange Carrier's Association Tariff No. 5 for the provision of DSL³ and (b) allow for recovery of middle mile transport component costs for service on tribal lands. These two actions -- waiver of the interstate access charge and recovery

¹ For the avoidance of doubt, only study areas encompassing tribal lands would be eligible for the tribal carve-out.

² In addition, if future ICC revenues were to decrease as a result of ICC reform, the floor would guarantee additional USF revenues equal to the difference between the incumbent's 2011 ICC receipts and its ICC receipts in subsequent years.

³ A waiver of Tariff #5 Section 8.4 and 8.5 rates for incumbent rate of return local exchange carriers providing broadband service in native communities should specify that such carriers will not be required to remit or credit the wholesale rate for broadband service and still receive the full settlement of revenue requirement so that savings can be used to reduce broadband costs for Native communities.

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of middle mile transport components costs -- will allow GRTI and similarly-situated carriers to offer more affordable bundled DSL and internet service on tribal lands.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom W. Davidson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom W. Davidson, Esq.

cc: Chairman Genachowski
Commissioner Copps
Commissioner McDowell
Commissioner Clyburn
Geoff Blackwell